



**Worsham, Jeremy**

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**From:** Brannen, Jenny  
**Sent:** Friday, March 11, 2005 12:05 PM  
**To:** Worsham, Jeremy  
**Subject:** FW: Proposed class representatives depositions and documents

-----Original Message-----

**From:** Elizabeth Fox [mailto:efox@bm.net]  
**Sent:** Wednesday, February 09, 2005 9:02 AM  
**To:** Brannen, Jenny  
**Cc:** todd collins; Don Lewis; Carmella Keener; julie desper  
**Subject:** RE: Proposed class representatives depositions and documents

Jenny— Dr. Shockley has jury duty in Florida. If he becomes free he will definitely appear for his deposition on the 24<sup>th</sup>. Since a lawyer from your firm will be here on the 23<sup>rd</sup>, he or she can prepare for the Shockly dep and take it if he is released. We will know that on the 23<sup>rd</sup>, and will reschedule for the next week if he is still held by the Florida subpoena. Ms. Craus is having surgery during the week of the 21st and will not be available for three weeks after that. If you feel she is important we will schedule her in March in Austin and not oppose your motion for an extension of the due date for your response to the class motion. Since Mr. Lawson cannot make himself available, we will withdraw Federated as a class representative. Liz

-----Original Message-----

**From:** Brannen, Jenny [mailto:jbrannen@AkinGump.com]  
**Sent:** Tuesday, February 08, 2005 8:08 PM  
**To:** Elizabeth Fox  
**Cc:** Todd Collins; morris lewislaw; Carmella Keener  
**Subject:** RE: Proposed class representatives depositions and documents

Liz:

Thanks for sending us dates for 2 of the 5 proposed class representatives. We plan to depose all five proposed class representatives. If we make the determination at some point that any of the five depositions are unnecessary, we will let you know as far in advance of the scheduled deposition date(s) as possible.

We originally proposed taking all 5 depositions within the same week at your office for your convenience and to minimize travel expenses. Obviously, it will be most cost effective for us to take all the depositions that will be in Philadelphia over a span of consecutive days in the same week if at all possible. Please confirm whether Dr. Shockley will be available on Feb. 24 as soon as you can, so that we can figure out what schedule makes the most sense.

Finally, please provide us with dates for the other 3 proposed class representatives by the close of business this Friday, February 11. If you are unable to provide us with dates, we will be forced to subpoena these proposed class representatives to appear for deposition in Delaware.

Thanks,  
Jenny

-----Original Message-----

**From:** Elizabeth Fox [mailto:efox@bm.net]  
**Sent:** Tuesday, February 08, 2005 1:40 PM  
**To:** Brannen, Jenny  
**Cc:** Todd Collins; Don Lewis; Carmella Keener  
**Subject:** RE: Proposed class representatives depositions and documents

3/11/2005

Jenny—With regard to your request for depositions, we do not believe you need to depose all the class representatives. There is no reason that you cannot find out all you need to know with the depositions of 2 or possibly 3 of them. In keeping with your rushed schedule, we have scheduled the deposition of John Morrash at our offices on Wed. Feb. 23. Todd Tonore is available on Fri. Feb. 25 at your offices in Austin. Dr. Shockley has jury duty in Florida. We hope he will be available on Feb. 24 at our offices or possibly during the week of Feb. 28, but we can make no promises yet. Liz

-----Original Message-----

**From:** Brannen, Jenny [mailto:jbrannen@AkinGump.com]  
**Sent:** Friday, February 04, 2005 7:15 PM  
**To:** Elizabeth Fox  
**Subject:** RE: Proposed class representatives depositions and documents

No problem --- that sounds good. How soon after the 11th do you think you can get us all of the class reps' documents since we will need those in advance of the depositions?

We were planning to take 2 at the same time, so that we could get them all done in that week (and that Monday is a holiday, so we figured it would be better to avoid scheduling any that day, if possible). Our office is in Austin, so we would be glad to do Craus and Tonore here --- how about Craus on the 22nd and Tonore on the 23rd? Then we could still have someone fly up to take Shockley on the 22nd, Morrash on the 23rd, and Federated National on the 24th.

Let me know when you know about everyone's schedule.

Thanks, and have a good weekend,  
 Jenny

-----Original Message-----

**From:** Elizabeth Fox [mailto:efox@bm.net]  
**Sent:** Friday, February 04, 2005 4:25 PM  
**To:** Brannen, Jenny  
**Cc:** Elizabeth Fox  
**Subject:** RE: Proposed class representatives depositions and documents

Jenny—sorry—I miscounted. We will have answers and some of the documents to you by Feb. 11.

We just received the dep. Notice. Both Shockley and Craus are listed for Tues. Feb. 22<sup>nd</sup> at 10 am. Is that a mistake? Further, both Craus and Tonore live in Texas. Would you be willing to do their depositions in Texas, and if so where, if that is more convenient for them? Thanks for agreeing to do the others at our offices.

Let me know, thanks, Liz

**From:** Brannen, Jenny [mailto:jbrannen@AkinGump.com]  
**Sent:** Tuesday, February 01, 2005 12:18 PM  
**To:** Elizabeth Fox  
**Subject:** RE: Proposed class representatives depositions and documents

Liz, I think you may have miscalculated the deadline --- we hand delivered the discovery requests on January 12, so 30 days is February 11. Again, we would appreciate getting whatever documents you have already collected via overnight mail on the 11th for Saturday delivery. Do you have a feel for when we will have all the documents?

We're proposing to do the depositions in Philadelphia rather than Delaware

for your convenience. We'll be happy to do them in your office, as long as you can provide us with two main rooms and a breakout room. Regarding the dates, we would like to schedule them for the week of February 21.

Thanks,  
Jenny

-----Original Message-----

**From:** Elizabeth Fox [mailto:efox@bm.net]  
**Sent:** Tuesday, February 01, 2005 9:42 AM  
**To:** Brannen, Jenny  
**Cc:** Todd Collins; Don Lewis; julie desper; Carmella Keener  
**Subject:** RE: Proposed class representatives depositions and documents

Hi Jenny

—By my calculation our answers are not due until the 14<sup>th</sup>. We have to Bates stamp the documents after that. We will copy them here and fed Ex them to you as quickly as we can. I do not anticipate that the volume of documents will be large.

If we do the depositions in Philadelphia, we would prefer to do them at this office. I will call you as soon as I find out when our clients are available.

-----Original Message-----

**From:** Brannen, Jenny [mailto:jbrannen@AkinGump.com]  
**Sent:** Monday, January 31, 2005 8:14 PM  
**To:** Elizabeth Fox  
**Subject:** Proposed class representatives depositions and documents

Hi, Liz.

I just wanted to give you the heads up that we will be sending out deposition notices for the proposed class representatives in the next day or so. We're planning to send them out with place-holder dates, but we will work with you as much as possible on scheduling. We're planning to conduct the depositions at our office in Philadelphia. Please let me know once you have had a chance to check with your clients about dates. Also, we would like to make arrangements for you to overnight us copies of their documents on the 11th for Saturday delivery, so let me know who I should send our account numbers to.

Please give me a call if you'd like to discuss.

Thanks,  
Jenny

Jennifer R. Brannen  
Akin Gump Strauss Hauer & Feld LLP  
300 W. 6th St., Suite 2100  
Austin, TX 78701  
512.499.6258

512.499.6290 (fax)

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